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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-
10725 LBR

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

ORDER

Pending before the Court is the USACM Liquidating Trust’s Motion for Summary Judgment Regarding Responses to USACM Trust’s First Through Third Omnibus Objections to Claims Asserting a Priority Status (“Motion”) [DE 4291]. The Motion requests an order reclassifying that portion of Proof of Claim No. 10725-01739 filed by Larry and Patsy Rieger that seeks priority status as a general unsecured claim. The Court finds that there are material facts in dispute that preclude the entry of summary judgment. Accordingly,

IT IS ORDERED denying the Motion.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

**Susan M. Freeman
Rob Charles**
Attorneys for USACM Liquidating Trust

APPROVED:

OFFICE OF THE U.S. TRUSTEE

August B. Landis, Esq.
Scott A. Farrow, Esq.
300 Las Vegas Boulevard, Suite 4300
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Larry Rieger

Patsy Rieger

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 The Court waived the requirements of LR 9021.
- 3 I have delivered a copy of this proposed order to all attorneys and unrepresented
4 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
- 5 approved the form of this order;
- 6 waived the right to review the order;
- 7 failed to file and serve papers in accordance with LR 9021(c); and/or
- 8 failed to sign and return this proposed order within five (5) business days
9 in accordance with LR 9021(b).
- 10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who appeared at the hearing regarding this matter and/or who filed a
written objection and all have either approved the form of this order, waived the
12 right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 13 No opposition was filed and no other party or counsel appeared at the hearing.

14 **LEWIS AND ROCA LLP**

15 By: /s/ RC (#0006593)

16 Susan M. Freeman
17 Rob Charles
Attorneys for USACM Liquidating Trust